Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0006
Great Steeds Farm House , Copsale Road, Maplehurst, West Sussex, RH13 6QY

DESCRIPTION:
Application to confirm the use of the 'Woodstore' building as a self-contained independent dwellinghouse. (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/22/0718	Prior Notification for the change of use of the Southern end section of a barn to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and REFUSED on 30.05.2022
DC/24/1635	Application to confirm the use of the Woodstore building as a self-contained residential dwelling (Class C3) on a date four years previous (Lawful Development Certificate - Existing).	Application Refused on 16.12.2024

PLANNING ASSESSMENT
The application relates to a Lawful Development Certificate (Existing) to confirm the continuous use of the Woodstore building as a self-contained residential dwelling (Class C3) on a date four years prior.

Article (2) of Section 191 of the Town and Country Planning Act 1990 states:

“For the purposes of this Act uses and operations are lawful at any time if –

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.”

A preceding lawful development certificate submission on the site, seeking to establish the same lawful use, was refused under ref: DC/24/1635 for the following reason: -

> *It has not been demonstrated, on the balance of probability, that the building (outlined in red on the attached Plan) has been used in the manner of a self-contained dwellinghouse for a continuous period in excess of 4 years.*

In reaching this decision it was noted that the submission included gaps in the timeline and that continuous occupation had not been demonstrated, with the available Statutory Declarations not sufficiently precise or unambiguous to meet the relevant legal tests. This current lawful development certificate is essentially seeking to overcome the previous failings.

Applicants Evidence

- Three statutory declarations have been received. In these : -
  - the applicant confirms they began renting the Woodstore as a self-contained independent dwelling in 2007, after moving back into Great Steeds Farmhouse. The applicant also confirms the property was rented from September 2008 to the 30th of September 2024 and then again from the 1st of October 2024, for an initial agreement of 6 months.
  - Two further statutory declarations have been provided confirming the occupants used the Woodstore as a self-contained, independent dwelling. One also confirm separate Council tax, broadband and telephone bills are paid for the Woodstore, the other confirms an application has been applied for to change the name on the bills.

- Council tax bills dated 11/03/2024 and the 15/10/2024, in the name of those to have declared to live at the property have been provided.

- Three tenancy agreements dated 16/03/2009, 16/05/2022-15/05/2023 and 01/10/2024-30/03/2025.

- A letter from an estate agent confirming tenancy agreements from May 2022, rolling on the May 2024, with an additional agreement to May 2025 which was cut short.

- Rent payment information.

- Further tenancy agreements dated:
  - 16/03/2009 (16/03/2009- 16/09/2008)
  - 01/07/2010 (01/07/2010-01/01/2011)
  - 01/01/2011 (01/01/2011-01/07/2011)
  - 01/01/2012 (term 6 months)
  - 15/11/2013 (15/11/2013- 15/05/2014)
  - 17/08/2014 (27/08/2014-27/02/2015)
  - 02/03/2015 (02/03/2015- 02/09/2015)
  - 09/03/2016 (09/03/2016- 09/09/2016)
  - 18/02/2017 (18/02/2017-18/08/2017)
  - 26/06/2018 (no dates)
  - 01/01/2019 (01/01/2019 – 30/06/2019)
  - 24/02/2020 (no date)
  - 01/05/2021 (01/05/2021-31/10/2021)
  - 01/11/2021 (01/11/2024- 30/04/2022)
  - 10/05/2022 (10/08/2022-10/11/2022)

- An energy performance certificate for the building.

- Confirmation of electoral registration.

- Planning Statement.

- Aerial photography

- Photographs of the existing building

<u>Council Evidence</u>

- Information submitted under DC/24/1635

- Consultation responses from the revenues and electoral roll teams, confirming that the property has been registered for council tax since 17/05/2013 and has a tenant.

- Lawful Development Certificate response from a member of the public which asserts they have not seen activity at the site or visited the farm.

- One representation and one questionnaire from members of the public. The representation confirms the property is in residential use. The questionnaire confirms they have not seen activity at the site.

Planning Assessment
Section 191(4) of the Town and Country Planning Act 1990 states that:

"If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application…they shall issue a certificate to that effect; and in any other case they shall refuse the application."

F W Gabbitas v SSE and Newham LBC [1985] JPL 630 held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application; provided the Applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the "balance of probability".

The applicant has provided statutory declarations, tenancy agreements, council tax records, and other supporting documentation to indicate a clear and continuous timeline of residential use. While there remain gaps in the tenancy agreement the applicant has also demonstrated continuous payments of rent from December 2020 to December 2024, albeit with no payment in June 2022. It is considered that the gaps which do remain are not of such substance as to bring into question the overall continuous use and occupation of the building as a self-contained dwellinghouse.

It has therefore been demonstrated, on the balance of probabilities, that the use of the 'Woodshed' as a self-contained dwellinghouse has taken place for in excess of the require time period. It is therefore recommended that a lawful development certificate be granted.

Recommendation: Application Permitted

Reason:

1. It has been demonstrated on the balance of probability that the building outlined in red on the attached plan has used as a self-contained dwellinghouse for a continuous period in excess of the required time period.

Plans list for: DC/25/0006
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	06.01.2025
Supporting Statement	Statutory Declaration		06.01.2025
Supporting Statement	Tenancy Agreements		06.01.2025
Supporting Statement	Letter from estate agents		06.01.2025
Supporting Statement	Rent payments		06.01.2025
Supporting Statement			21.02.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 24/02/2025

Authorising Officer sign/initial Guy Everest Date: 03.03.2025